

**REQUEST FOR PROPOSALS**  
***Pharmacy Drug Dispensing Fee Survey***

**RFP#: R-89-07-0943**

**Issued By:**  
**The Ohio Department of Job and Family Services**  
*30 E. Broad Street, 32<sup>nd</sup> Fl.*  
*Columbus, Ohio 43215*

**(March 2008)**

**REQUEST FOR PROPOSALS (RFP): Pharmacy Drug Dispensing Fee Survey**  
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**SECTION I. GENERAL PURPOSE & VENDOR INFORMATION**

**1.1 Purpose**

The Ohio Department of Job and Family Services (ODJFS) releases this Request for Proposals (RFP) for the purpose of obtaining a qualified vendor to conduct a private survey of retail pharmacy operations in the State of Ohio once every two years to ascertain drug dispensing fee rates as required in the Ohio Revised Code (ORC) 5111.07. Specifically, ODJFS is required to conduct a dispensing fee survey beginning in July 2008. The survey shall be completed and its result published no later than the last day of October 2008.

ODJFS is seeking vendors who are experienced in creating and analyzing multiple-choice question surveys. Familiarity with profit and loss statements would be beneficial. Interested vendors should have previous experience in projects of a similar size and scope and must have the ability to establish the validity of the response rate.

**1.2 Issuing Office**

This RFP is released by and the subsequent contract(s) will be with ODJFS. The Office of Ohio Health Plans (OHP), which will administer the contract, is responsible for state level supervision. Ohio Medicaid's mission as a value purchaser is to assure access to comprehensive quality health care services for targeted populations in order to improve the health status of Ohioans and their communities and to support the self sufficiency and care of covered populations.

The contract(s) expected to result from this RFP process will be an agreement between ODJFS and the selected contractor. If interested vendors have a need to communicate regarding this RFP, they must contact **ODJFS** using one of the mechanisms provided for in **Sections 1.6, Internet Question and Answer Period/RFP Clarification Opportunity, or 1.8, Communication Prohibitions**, of this RFP. Vendor proposals must be submitted to ODJFS in strict accordance with proposal submission instructions provided in **Section 5.1, Proposal Submission Information**. Vendors are cautioned that communication attempts which do not comply with these instructions will not be answered, and that ODJFS will not consider any proposals submitted to any address other than the one provided in Section 5.1 of this RFP.

**1.3 Background**

ODJFS seeks to obtain a vendor to conduct the 2008 Pharmacy Dispensing Fee Survey and to compile, analyze, and report on the findings. The survey shall compute and report dispensing fees on a basis of the usual and customary charges by retail pharmacies to their customers for dispensing drugs. The Director of ODJFS will take into account the results of the survey in establishing a dispensing fee. Based on previous experience, approximately 2,600 pharmacies will be involved in the survey.

## 1.4 Objectives of the Project

The selected vendor will perform retail pharmacy dispensing fee survey functions on behalf of ODJFS for compliance with ORC 5111.07. The pharmacy dispensing fee survey must, at minimum:

- A. Be conducted in conformance with the requirements set forth in 42 C.F.R. 447.331 [447.33.1] through 447.333 [447.33.3], as amended or superseded;
- B. Include operational data and direct prescription expenses, professional services and personnel costs, usual and customary overhead expenses, and profit data of the retail pharmacies surveyed; and
- C. Be completed and its results published no later than the last day of October of the year in which the survey is conducted, and the survey shall compute and report dispensing fees on a basis of the usual and customary charges by retail pharmacies to their customers for dispensing drugs.

## 1.5 Anticipated Procurement Timetable

DATE	EVENT/ACTIVITY
March 13, 2008	ODJFS Releases RFP to Potential Vendors on ODJFS Web Site; Q&A Period Opens - RFP becomes active - Vendors may submit inquiries for RFP clarification
March 31, 2008	Vendor Q&A Period Closes, 10 a.m. (for inquiries for RFP Clarification) - No further inquiries for RFP clarification will be accepted
April 7, 2008	ODJFS provides Final Vendor Question & Answer Document
<b>April 16, 2008</b>	<b>Deadline for Vendors to Submit Proposals to ODJFS (3 p.m.)</b> - This is the proposal opening date, beginning the ODJFS process of proposal review
May 1, 2008	ODJFS Issues Contract Award Notification Letter (estimated) - Vendors that submitted proposals in response to this RFP will be sent letters stating whether their proposal was accepted for award of the contract
June 16, 2008	Controlling Board Review of Contract (estimated—if applicable). -Contract with the selected vendor requires review and approval
July 1, 2008	Implementation* (estimated—following notification of all contractual and funding approvals)
October 31, 2008	Project Completion - All work must be completed and approved by ODJFS Contract Manager

ODJFS reserves the right to revise this schedule in the best interest of the State of Ohio and/or to comply with the State of Ohio procurement procedures and regulations and after providing reasonable notice.

\* According to requirements of Ohio Revised Code (ORC) 126.07, ODJFS contracts are not valid and enforceable until the Office of Budget and Management (OBM) certifies the availability of appropriate funding, as indicated by the approval of the Purchase Order (P.O.). The selected vendor may neither perform work nor submit an invoice for payment for work performed for this project for any time period prior to the P.O. approval

date. The ODJFS Contract Manager will notify the selected vendor when the requirements of ORC Section 126.07 have been met.

## **1.6 Internet Question & Answer Period; RFP Clarification Opportunity**

Potential vendors may ask clarifying questions regarding this RFP via the Internet during the Question and Answer (Q&A) Period as outlined in Section 1.5, Anticipated Procurement Timetable. To ask a question, potential vendors must use the following Internet process:

- \* Access the ODJFS Web Page at <http://jfs.ohio.gov>;
- \* Select “About Us” on the front page;
- \* Select “Doing Business with ODJFS;”
- \* Select “Requests for Proposals, Letterhead Solicitations, and Other Invitations;”
- \* Select RFP Number *R-89-07-0943*;
- \* Select the [R89070943@odjfs.state.oh.us](mailto:R89070943@odjfs.state.oh.us) link; and
- \* Follow the instructions and guidelines as follows to send an e-mail question.

Questions to this RFP must reference the relevant part of this RFP, the heading for the provision under question, and the page number and/or section of the RFP where the provision can be found. The potential vendor must also include the name of a representative of the potential vendor, the company name and business phone number. ODJFS may, at its option, disregard any questions which do not appropriately reference an RFP provision or location, or which do not include an identification for the originator of the question. ODJFS will not respond to any questions submitted after **10:00 a.m.** on the date that the Q&A period closes.

ODJFS responses to all questions asked via the Internet\* will be posted on the Internet web site dedicated to this RFP, for references by all potential vendors. Potential vendors will not receive personalized or individual e-mail responses. Clarifying questions asked and ODJFS responses to them comprise the “ODJFS Question and Answer Document” for this RFP; when possible, ODJFS may post an interim Q&A Document as well as the final version. Vendor proposals in response to this RFP are to take into account any information communicated by ODJFS in the Final Q&A Document for the RFP. **It is the responsibility of all potential vendors to check this site on a regular basis for responses to questions, as well as for any amendments or other pertinent information regarding any RFP.**

**Accessibility to the ODJFS Q&A Document will be clearly identified on the web site dedicated to this RFP, once that document is made available.**

**IMPORTANT:** Requests from potential vendors for copies of previous RFPs, past vendor proposals, score sheets or contracts for this or similar past projects, are Public Records Requests (PRRs), and are not clarification questions regarding the present RFP. PRRs, submitted in accordance with directions provided in Section 1.8, Communication Prohibitions, will be honored. The posted time frames for ODJFS responses to Internet or faxed questions for RFP clarification do not apply to PRRs.

Requirements under a current project may or may not be required by ODJFS under any future contract, and so may not be useful information for vendors who choose to respond to the RFP; therefore, vendors are to base their RFP responses, and the details and costs of their proposed projects, on the requirements and performance expectations established in the RFP and, if applicable, in the Q&A document, NOT on details of a current or past related contract. If vendors ask questions about existing or past contracts using the Internet Q&A process, ODJFS will use its discretion in deciding whether to provide answers.

ODJFS will only answer those questions submitted within the established time period for the Vendor Q&A process (see Section 1.5, Anticipated Procurement Timetable, above), and which pertain to issues of RFP clarity, and which are not requests for public records. ODJFS is under no obligation to acknowledge questions submitted through the Q&A process if those questions are not in accordance with these instructions.

\* In the event of technical difficulties with the Internet Q&A process, vendors should contact the ODJFS Office of Contracts and Acquisitions, RFP/RLB Unit at (614) 728-5693.

### **1.7 Vendor's Library**

ODJFS recognizes that the vendors may not be familiar with some of the documents referenced in this RFP. As background information for the preparation of technical proposals, vendors may formally request a copy of the 2006 survey by submitting a fax request to: Becky Jackson--FAX: (614) 466-2908

Vendors requesting a copy of the 2006 survey should clearly identify on the fax request "Pharmacy Dispensing Fee Survey, 2006" and should include a fax number to receive this document. ODJFS will only distribute copies of the 2006 survey via fax. Vendors are expressly prohibited from seeking clarifications or additional information regarding this RFP through this process.

**NOTE:** Vendors are cautioned that during any communications regarding requesting/accessing documents from the ODJFS staff person overseeing the vendor library, they may make no inquiry regarding this RFP, its requirements or process, the ODJFS project in which the eventual contractors will function, or anything else which could assist vendors with their responses to this RFP. All communications regarding this RFP are to take place in the open forum as provided for in Section 1.6 (Internet Question and Answer Period; RFP Clarification Opportunity).

### **1.8 Communication Prohibitions**

From the issuance date of this RFP, until the contract award has been formally announced by the ODJFS Director, there may be no communications concerning the RFP between any vendor which expects to submit a proposal and any employee of ODJFS in the issuing office, or any other ODJFS employee, or any other individual regardless of their employment status, who is in any way involved in the development of the RFP or the selection of the contractor.

The only exceptions to this prohibition are as follows:

1. Communications conducted pursuant to Section 1.6, Internet Question and Answer Period;
2. As necessary in any pre-existing or on-going business relationship between ODJFS and any vendor which could submit a proposal in response to this RFP;
3. As part of an interview necessary for ODJFS to make a final selection;
4. If it becomes necessary to revise any part of this RFP, ODJFS will post those revisions, amendments, etc., to the website dedicated to this RFP;\*
5. Any Public Records Request (PRR) made through the ODJFS Office of Legal Services:

\* **Important Note:** Amendments to the RFP or to any documents related to it will be accessible to interested vendors through the original web page established for the RFP. All interested vendors must refer to that web page regularly for amendments or other announcements. ODJFS will not specifically notify any vendor of changes or announcements related to this RFP except through the website posting. It is the affirmative responsibility of interested vendors to be aware of and to fully respond to all updated information posted on this web page.

ODJFS is not responsible for the accuracy of any information regarding this RFP that was obtained or gathered through a source different from the Q&A process described in this RFP. Any attempts at prohibited communications by vendors may result in the disqualification of those vendors' proposals.

### **1.9 Time Frames & Funding Source**

ODJFS is seeking to contract with a vendor to conduct a Dispensing Fee Survey from approximately July 1, 2008 to October 31, 2008. The work will be completed in phases, as described:

- |                         |   |
|-------------------------|---|
| Phase I (weeks 1-3):    | Prepare the survey instrument and receive approval by ODJFS.  |
| Phase II (weeks 4-7):   | Mail survey and collect responses.  |
| Phase III (weeks 8-12): | Evaluate and report on responses. Preliminary executive summary results to ODJFS for approval by ODJFS. |
| Phase IV (weeks 13-15): | Present final results and report to ODJFS.  |

The Contract Manager will notify selected vendor when work may begin. ODJFS contracts are not valid until all necessary contract and funding approvals have been obtained. Work that is or has been performed by selected vendor before such approvals are obtained shall not be payable by ODJFS.

Potential vendors are to be aware that ODJFS may, at its sole discretion, negotiate with all technically qualifying vendors for a revised cost proposal if the cost proposals of all technically qualifying vendors are in excess of the available funding for this project. Please refer to Section 5.2 C. of this RFP for further information on ODJFS procedures to be implemented if this occurs.

## **SECTION II. VENDOR EXPERIENCE AND QUALIFICATIONS**

### **2.1 Mandatory Vendor Qualifications**

In order to be considered for the contract expected to result from this RFP, ODJFS requires that interested vendors **must** meet, at minimum, **all** the following qualification requirements:

- A. ODJFS will **only** consider proposals from vendors which possess at least 5 years of adequate prior experience in performing survey development, analysis and reporting; and,
- B. The vendor must demonstrate the ability to establish the validity of the response rate by being able to calculate statistical standards such as mean, standard deviation, standard error, median, and confidence level.

**[Important: Any vendor responses which do not meet both of the above required qualifications will be disqualified from further consideration for award of the resulting contract.]**

## **2.2 Organizational Experience and Capabilities**

In order to be considered for the contract expected to result from this RFP, ODJFS requires that interested vendors provide the following:

- A. Background information on the company, including subcontractors, if appropriate, indicating sufficient organizational experience and staffing to perform the required contractual functions;
- B. Samples of at least two, but no more than four, similar sized projects completed in the past five (5) years that demonstrate expertise in performing survey development, analysis and reporting; and,
- C. Names and contact information for at least three entities for which the vendor has performed similar large scale projects in the past five (5) years.

## **2.3 Staff Experience and Capabilities**

The vendor must demonstrate significant expertise by assigning staff to key leadership rolls for this project. Key positions will require profiles and curriculum vitae. The vendor must, at minimum:

- A. Identify, by position and by name, those staff the vendor considers to be key to the project's success (at minimum, key staff identified must include a Project Manager);
- B. Include resume(s) of key staff expected to work on the project; and,
- C. Demonstrate how the Project Manager's and key staff's qualifications and experience are adequate to perform the required contractual functions.

## **SECTION III. SCOPE OF WORK & SPECIFICATIONS OF DELIVERABLES**

### **3.1 Scope of Work and Specifications of Deliverables**

This section sets forth the activities and deliverables which will be required of the selected vendor under the contract expected to result from this RFP. In order to receive consideration for contract award, all aspects of the services described in this section must be addressed in the vendor's technical proposal. The vendor must provide a detailed description of how it will define and perform each of the deliverables, and, if applicable, will develop and manage services performed under any and all subcontracting arrangements. Vendor responses should correspond to the appropriate deliverables. The major categories of activities and deliverables in this section are listed below.

The contracted services will include, but may not be limited to, the following areas:

- A. **Survey Development**

In accordance with ORC 5111.07, development of a survey instrument to ascertain the following information: operational data and direct prescription expenses, professional services and personnel costs, usual and customary overhead expenses, and profit data of the retail pharmacies

surveyed. Additionally, ODJFS may require survey questions related to drug utilization review being performed by pharmacies.

Any and all surveys must be reviewed and approved by ODJFS prior to mailing.

B. Distribution of Survey

All printing and mailing costs will be borne by the contractor; approximately 2600 surveys will be mailed. ODJFS will determine the mailing list, comprised of all pharmacies in Ohio and the five contiguous states that have submitted a claim for pharmacy services in the twelve (12) months preceding the development of the list. ODJFS will supply mailing labels.

- Vendors must, at minimum, ascertain the appropriate response rate of at least a 95% confidence level. A second mailing (at no expense to ODJFS) will be required if, after the first mailing, the survey responses do not produce a 95% confidence interval.

C. Analysis and Reporting

Compilation of all data received and performance of a statistical analysis that results in a report to ODJFS on the information required in ORC 5111.07, as listed in Section 3.1, A. The report is to be provided to the ODJFS Contract Manager in both hard copy and on computer diskette in a format and version compatible with existing ODJFS software.

The final report should include an executive summary, a statistical analysis, and raw data. At a minimum, these reports must include demographics, financial data, and drug utilization review components.

### 3.2 Administrative Structures—Proposed Work Plan

Vendors are to include, at minimum, the following administrative structures and technical approach for the proposed work plan. The vendor shall:

- A. State the key objectives of the proposed project. [NOTE: Vendors are advised to refrain from simply restating the objectives as identified in Section 1.4 of this RFP.];
- B. Provide a technical approach and work plan to be implemented. This shall include a proposed timeline for the project which complies with the work phases as specified in Section 1.9, Time Frames & Funding Source;
- C. Provide a status reporting procedure for reporting work completed, and resolution of unanticipated problems;
- D. Provide a current organizational chart (including any subcontractors) and specify the key management and administrative personnel who will be assigned to this project; and
- E. Provide a timeline for each component of the scope of work and the project overall including the staff hours for personnel involved. Include a Table of Organization (including any subcontractors) and a chart showing the number of hours devoted to the

project by vendor or sub-contractor staff. The vendor must provide the percentage of time each key management person will devote to the project.

### **3.3 Selected Vendor Compensation Structure**

Compensation will be based upon the selected vendor's accepted cost proposal. That is the only compensation the selected vendor may claim for services provided as described in this RFP. The selected vendor shall submit monthly invoices which is to follow the fixed cost per deliverable as proposed in the vendor's Cost Proposal for work completed during the previous month.

## **SECTION IV. CONDITIONS AND OTHER REQUIREMENTS**

Through this section of the RFP, ODJFS notifies vendors seeking award of a contract of certain conditions and requirements which may affect their eligibility or willingness to participate in any procurement (RFP, RLB, etc.) process; or their eligibility to be awarded a contract; and of requirements that would be in effect should they be awarded a contract.

### **4.1 State Contracts**

Proposals must list any current contracts the vendor has with State of Ohio agencies. The list must indicate the purpose of the contract, the amount of the contract, the time period covered by the contract, and the percentage of the project completed. Vendors must complete a copy of the Required Vendor Information and Certifications Document (provided as **Attachment A.**) to report this information and include the completed document in the vendor's proposal as specified in **Section 5.2 B., 1** of this RFP.

### **4.2 Interview**

Vendors submitting proposals may be required to participate in an in-depth interview as part of the evaluation process. The interview, if necessary, may include participants from ODJFS and/or other state or county agency staff or other representatives it may appoint, as appropriate. ODJFS reserves the right to select from responding vendors for interviews and may not interview all vendors submitting proposals. The vendor shall bear all costs of any scheduled interview.

### **4.3 Start Work Date**

The selected vendor must be able to begin work no later than seven (7) working days after the time funds are encumbered and approved by the Office of Budget & Management. The selected vendor will be notified by the ODJFS project manager when work may begin. **Any work begun by the vendor prior to this notification will NOT be reimbursable by ODJFS.**

### **4.4 Proposal Costs**

Costs incurred in the preparation of this proposal are to be borne by the vendor, and ODJFS will not contribute in any way to the costs of the preparation. Any costs associated with interviews will be borne by the vendor and will not be ODJFS' responsibility (see Section 4.2, above).

#### **4.5 Trade Secrets Prohibition; Public Information Disclaimer**

**Vendors are prohibited from including any trade secret information** as defined in ORC 1333.61 in their proposals in response to any ODJFS RFP, RLB or other procurement efforts. ODJFS shall consider all proposals voluntarily submitted in response to any ODJFS RFP (or etc.) to be free of trade secrets and such proposals shall, in their entirety, be made a part of the public record.

All proposals and any other documents submitted to ODJFS in response to this RFP shall become the property of ODJFS. This RFP and, after formal announcement by ODJFS of the results of this RFP project (e.g., notices provided to responding vendors regarding vendor selection, notice of project cancellation, etc.), any proposals submitted in response to the RFP are deemed to be public records pursuant to R.C. 149.43. For purposes of this section, “proposal” shall mean both the technical and the cost proposals (if opened by ODJFS) submitted by the vendor, any attachments, addenda, appendices, or sample products.

Any proposals submitted in response to this or any ODJFS RFP which make claims of trade secret information shall be disqualified from consideration immediately upon determination that such unallowable claim has been made.

#### **4.6 Contractual Requirements**

- A. Any contract resulting from the issuance of this RFP is subject to the terms and conditions as provided in the model contract, which is included as **Attachment D.** of this RFP;
- B. Many of the terms and conditions contained in the model contract (See **Attachment D.**) are required by state and federal law; however, the vendor may propose changes to the model contract by annotating the model, and returning it with the vendor’s proposal submission. Any changes are subject to ODJFS review and approval;
- C. Payments for any and all services provided pursuant to the contract are contingent upon the availability of state and federal funds;
- D. All aspects of the contract apply equally to work performed by any and all subcontractors;
- E. The contractor, and any subcontractor(s), will not use or disclose any information made available to them for any purpose other than to fulfill the contractual duties specified in the RFP. The contractor, and any subcontractor(s), agrees to be bound by the same standards of confidentiality that apply to the employees of ODJFS and the State of Ohio. Any violation of confidentiality will result in an immediate termination of the contract, and may result in legal action;
- F. As a condition of receiving a contract from ODJFS, the contractor, and any subcontractor(s), shall certify compliance with any court order for the withholding of child support which is issued pursuant to Section 3113.217 of the ORC. The contractor, and any subcontractor(s), must also agree to cooperate with ODJFS and any Ohio Child Support Enforcement Agency in ensuring that the contractor or employees of the contractor meet child support obligations established under state law;
- G. By signing a contract with ODJFS, a vendor agrees that all necessary insurance is in effect; and

- H. The selected contractor shall be required to comply with prevailing wage standards, as established in ORC 4115.03 to 4115.16.

#### **4.7 Travel Reimbursement**

Travel should be folded into the overhead, per diem, or the hourly rates which are built into the cost of the deliverables. Travel is not to be listed separately unless otherwise specified in Section 5.2 C. (Format for Organization of the Proposal—Cost Proposal) of this RFP.

#### **4.8 Minority Business Enterprise**

ODJFS is required by Section 125.081(B) and 123.151 of the ORC to award fifteen percent (15%) of its total procurements to vendors certified as Minority Business Enterprises (MBE). Ohio certified MBE is defined in ORC Section 122.71. If the proposal is not submitted by a certified MBE, the vendor is strongly encouraged to subcontract a minimum of fifteen percent (15%) of the total contract price to an Ohio certified MBE.

The proposal must clearly indicate the name of the proposed Ohio MBE vendor and the exact nature of the work to be performed under the proposed subcontract. The proposal must include a letter from the proposed MBE, signed by a person authorized to legally bind the subcontractor, indicating the following:

1. The subcontractor's legal status, federal tax ID number, and principle business address;
2. The name, phone number, and fax number of a person who is authorized to legally bind the subcontractor to contractual obligations;
3. A complete description of the work the subcontractor will do;
4. A commitment to do the work, if the vendor is selected;
5. A statement that the subcontractor has and understands the RFP, the nature of the work, and the requirements of the RFP; and
6. A copy of the Ohio MBE certificate.

**There may be no dollar amounts of any kind included with the MBE information; inclusion of dollar amounts will result in the disqualification of the primary vendor's entire proposal.**

A listing of Ohio certified MBEs can be accessed through the Ohio Department of Administrative Services (DAS) Web Site at: <http://das.ohio.gov/Eod/MBESearch/index.asp>.

While ODJFS strongly encourages the use of MBE subcontractors, the vendor's use of an MBE subcontractor will have no effect on vendors' technical scores or on final contractor selection for this RFP, **unless** Section VI, Criteria for Proposal Evaluation and Selection of this RFP (and/or the Technical Proposal Score Sheet for this RFP) affirmatively establish an MBE participation criterion.

#### **4.9 Subcontractor Identification and Participation Information**

Any vendors proposing to use a subcontractor for any part of the work described in this RFP must clearly identify the subcontractor(s) and their tasks in their proposals. The proposal must include a letter from the proposed subcontractor(s), signed by a person authorized to legally bind the subcontractor, indicating the following:

1. The subcontractor's legal status, federal tax ID number, and principle business address;
2. The name, phone number, and fax number of a person who is authorized to legally bind the subcontractor to contractual obligations;

3. A complete description of the work the subcontractor will do;
4. A commitment to do the work, if the vendor is selected;
5. A statement that the subcontractor has read and understands the RFP, the nature of the work, and the requirements of the RFP.

**There may be no dollar amounts of any kind included with subcontractor information; inclusion of dollar amounts will result in the disqualification of the primary vendor's entire proposal.**

#### **4.10 Public Release of Records**

Public release of any evaluation or monitoring reports funded under this agreement will be made only by ODJFS. Prior to public release of such reports, ODJFS must have at least a 30-day period for review and comment.

#### **4.11 Confidentiality**

All contracts will require that the contractor maintain the confidentiality of information and records which state and federal laws, rules, and regulations require to be kept confidential.

#### **4.12 Key Personnel**

ODJFS will require a clause in the resulting contract regarding key personnel in that any person identified as critical to the success of the project may not be removed without reasonable notice to ODJFS, and replacements will not be made without ODJFS approval.

#### **4.13 Ethical & Conflict of Interest Requirements**

- A. No contractor or individual, company or organization seeking a contract shall promise or give to any ODJFS employee anything of value that is of such character as to manifest a substantial and improper influence upon the employee with respect to his or her duties;
- B. No contractor or individual, company or organization seeking a contract shall solicit any ODJFS employee to violate any of the conduct requirements for employees;
- C. Any contractor acting on behalf of ODJFS shall refrain from activities which could result in violations of ethics and/or conflicts of interest. Any contractor or potential contractor who violates the requirements and prohibitions defined here or of Section 102.04 of the ORC is subject to termination of the contract or refusal by ODJFS to enter into a contract; and
- D. ODJFS employees and contractors who violate Sections 102.03, 102.04 2921.42 or 2921.43 of the ORC may be prosecuted for criminal violations.

#### **4.14 Health Insurance Portability & Accessibility Act (HIPAA) Requirements**

As a condition of receiving a contract from ODJFS, the contractor, and any subcontractor(s), will be required to comply with 42 U.S.C. Sections 1320d through 1320d-8, and to implement regulations at 45 C.F.R. Section 164.502 (e) and Sections 164.504 (e) regarding disclosure of protected health information under the Health Insurance Portability and Accountability Act (HIPAA) of 1996. Protected Health Information (PHI) is information received by the contractor from or on behalf of ODJFS that meets the definition of PHI as defined

by HIPAA and the regulations promulgated by the United States Department of Health & Human Services, specifically 45 CFR 164.501 and any amendments thereto. The selected vendor can reasonably anticipate HIPAA language in the contract that results from this RFP.

In the event of a material breach of contractor obligations under this section, ODJFS may at its option terminate the contract according to provisions within the contract for termination.

#### **4.15 Waiver of Minor Proposal Errors**

ODJFS may, at its sole discretion, waive minor errors or omissions in vendors' Technical and/or Cost proposals/forms when those errors do not unreasonably obscure the meaning of the content.

#### **4.16 Proposal Clarifications**

ODJFS reserves the right to request clarifications from vendors of any information in their Technical and/or Cost proposals/forms, and may request such clarification as it deems necessary at any point in the proposal review process.

#### **4.17 Contractual Requirements and Prevailing Wage Requirements**

Any contract resulting from the issuance of this solicitation is subject to the terms and conditions as provided in the model contract, which is provided as **Attachment D**. to this RFP. Potential vendors are strongly encouraged to read the model contract and to be fully aware of ODJFS' contractual requirements. Additionally, the selected contractor will be required to comply with prevailing wage standards, as established in ORC 4115.03-4115.16.

#### **4.18 Unresolved Findings for Recovery (R.C. 9.24)**

ORC Section 9.24 prohibits ODJFS from awarding a contract to any entity against whom the Auditor of State has issued a finding for recovery, if the finding for recovery is "unresolved" at the time of award. By submitting a proposal, the vendor warrants that it is not now, and will not become, subject to an "unresolved" finding for recovery under R.C. 9.24 prior to the award of any contract arising out of this RFP, without notifying ODJFS of such finding. ODJFS will review the Auditor of State's website prior to completion of evaluations of proposals submitted pursuant to this RFP. ODJFS will not evaluate a proposal from any vendor whose name, or the name of any of the subcontractors proposed by the vendor, appears on the website of the Auditor of the State of Ohio as having an "unresolved" finding for recovery.

#### **4.19 Mandatory Contract Performance Disclosure**

Each proposal must disclose whether the vendor's performance, or the performance of any of the proposed subcontractor(s), under contracts for the provision of services that are the same or similar to those to be provided for the project which is the subject of this RFP has resulted in any "formal claims" for breach of those contracts. For purposes of this disclosure, "formal claims" means any claims for breach that have been filed as a lawsuit in any court, submitted for arbitration (whether voluntary or involuntary, binding or not), or assigned to mediation. If any such claims are disclosed, vendor shall fully explain the details of those claims, including the allegations regarding all alleged breaches, any written or legal action resulting from those allegations, and the results of any litigation, arbitration or mediation regarding those claims, including terms of any settlement. While disclosure of any formal claims in response to this section will not automatically disqualify a vendor from consideration, at the sole discretion of ODJFS, such claims and a review of the background details may

result in a rejection of the vendor's proposal. ODJFS will make this decision based on its determination of the seriousness of the claims, the potential impact that the behavior that led to the claims could have on the vendor's performance of the work, and the best interests of ODJFS.

#### **4.20 Mandatory Disclosures of Governmental Investigations**

Each proposal must indicate whether the vendor and any of the proposed subcontractor(s) has been the subject of any adverse regulatory or adverse administrative governmental action (federal, state, or local) with respect to vendor's performance of services similar to those described in this RFP. If any such instances are disclosed, vendor must fully explain, in detail, the nature of the governmental action, the allegations that led to the governmental action, and the results of the governmental action including any legal action that was taken against vendor by the governmental agency.

While disclosure of any governmental action in response to this section will not automatically disqualify a vendor from consideration, such governmental action and a review of the background details may result in a rejection of the vendor's proposal at the sole discretion of ODJFS. The decision by ODJFS on this issue will be based on a determination of the seriousness of the matter, the matter's potential impact on the vendor's performance of the work, and the best interests of ODJFS.

#### **4.21 Mandatory Disclosures of Work Location**

Proposals must explicitly state the location(s) (city, state/province, country) where work described in this RFP would be performed, whether by the vendor or by any subcontractors.

#### **4.22 Vendor Selection Restriction**

Any vendor deemed not responsible, or submitting a proposal deemed not to be responsive to the terms of this RFP, shall not be awarded the resulting contract.

#### **4.23 Declaration of Material Assistance Requirements**

Any vendor responding to any ODJFS RFP, RLB, or any other procurement opportunity is required to provide certification that the vendor has not provided material support or resources to any organization listed on the "Terrorist Exclusion List" (TEL) maintained by the U.S. Department of State.

The Declaration of Material Assistance Form, provided as **Attachment C**. to this RFP, must be printed, completed, and signed by the interested vendor's authorized representative, and returned to ODJFS as a component of the vendor technical proposal/bid. Failure to properly complete the form or to provide it as part of the proposal submitted to ODJFS may result in the disqualification of the vendor's proposal from consideration.

Vendors may access the TEL from the Ohio Homeland Security Office website, located at [www.homelandsecurity.ohio.gov.dma.asp](http://www.homelandsecurity.ohio.gov.dma.asp) or via e-mail to [dma-info@dps.state.oh.us](mailto:dma-info@dps.state.oh.us) for the current list of excluded organizations and additional information.

#### **4.24 Ohio Presence Consideration**

Vendors that can demonstrate in their proposals that they either currently have a physical presence in Ohio or have concrete plans for establishing a physical presence will be given additional scoring consideration. In order

to be acknowledged as a vendor with an Ohio presence, vendors must comply with instructions provided in this RFP, Section 5.2, Format for Organization of the Proposal, and provide information on the nature of the work and the number and type of vendor personnel at the Ohio location. Details of how an Ohio presence will be considered in the proposal scoring process are provided in Section 6.1, Scoring of Proposals.

## **SECTION V. PROPOSAL FORMAT & SUBMISSION**

### **5.1 Proposal Submission Information**

ODJFS requires proposal submissions in both paper and electronic format. The proposal must be prepared and submitted in accordance with instructions found in this Section. The proposal submission must be comprised of:

- **Six** paper copies (**one signed original** and **five** copies) and one CD-ROM copy of the Technical Proposal;

**AND**

- in a sealed, separate envelope, **three** paper copies (**one signed original** and **two** copies) and one CD-ROM copy of the Cost Proposal.

The vendors' total proposal submissions (both the technical and cost proposals in all required copies) must be received by ODJFS complete no later than 3:00 p.m., local time on **Wednesday, April 16, 2008**. Faxes or e-mailed submissions will not be accepted. **Proposals must be addressed to:**

**Office of Contracts & Acquisitions  
Ohio Department of Job and Family Services  
30 East Broad Street, 31<sup>st</sup> Floor  
Columbus, Ohio 43215-3414  
ATTN: RFP/RLB Unit**

Vendors' original technical and cost proposals must contain all the information and documents specified in Section 5.2, "Format for Organization of the Proposal." All copies (both paper and CD-ROM) of the original proposal must include copies of ALL information, documents, and pages in the original proposal.

Along with the Technical proposal, the vendor must submit the Cost Proposal in a separate, sealed envelope/package labeled: **"NOTE: DO NOT OPEN. COST PROPOSAL ENCLOSED FOR PHARMACY DRUG DISPENSING FEE SURVEY SERVICES, RFP#: R-89-07-0943 SUBMITTED BY [VENDOR'S NAME HERE]."**

The CD-ROM copy of the Technical Proposal must include all components of the technical proposal, including any required or voluntary attachments to it. The CD-ROM copy of the Cost Proposal must include all cost proposal components, including any required or voluntary attachments. **The CD-ROM containing the Cost Proposal must be submitted in the sealed envelope containing the hardcopy Cost Proposal.** Both CD-ROMs must be labeled with the vendor's name, the RFP number, and the proposal submission date or proposal due-date, at minimum. The requested CDs will be used by ODJFS for archiving purposes and for fulfillment of PRRs, and failure to include them or to properly label them may, at ODJFS discretion, result in the rejection of the vendor from any consideration.

All proposal submissions must be received, complete, at the above address, via mail or hand delivery by the above date and time. Materials received separately from a vendor's proposal submission (e.g., letters of recommendation from past customers of the vendor's services) will not be added to the proposal nor considered in the review and scoring process. Materials received after the date and time as stated above will not be included in any previous submissions, nor will they be considered. ODJFS is not responsible for proposals incorrectly addressed or for proposals delivered to any ODJFS location other than the address specified above. No confirmation of mailed proposals can be provided.

For hand delivery on the due date, vendors are to allow sufficient time for downtown parking considerations, as well as for security checks at both the lobby of the Rhodes State Office Tower (address as stated above) and again on the 31<sup>st</sup> Floor. All proposals received on the due date by the Office of Contracts & Acquisitions, on the 31<sup>st</sup> Floor of the Rhodes Tower. **ODJFS is not responsible for any proposals delivered to any address other than the address provided above.**

Submission of a proposal indicates acceptance by the vendor of the conditions contained in this RFP, unless clearly and specifically noted in the proposal submitted and confirmed in the contract between ODJFS and the vendor selected.

## 5.2 Format for Organization of the Proposal

### A. Overall Proposal Organization

A sample Technical Proposal Score Sheet is provided as **Attachment E.** of this RFP. **Vendors are strongly encouraged to use the Score Sheet to check their proposals for quality, compliance, and completeness prior to submission.**

The vendor's Technical Proposal must contain the following components (organized in five (5) primary tabs and divided into sub-tabs) as described below. Any other information thought to be relevant, but not applicable to a specific RFP section number/letter must be provided as an appendix to the proposal and so marked as an additional tab. ODJFS reserves the right not to review submitted appendices which includes information/materials not required in the RFP. All pages beyond Tab 1 shall be sequentially numbered.

Vendors must organize their Technical Proposals in the following order:

**Tab 1** Required Vendor Information and Certifications Document

Request for Taxpayer Identification Number (W-9) Form

Declaration Regarding Material Assistance/Non-Assistance to a Terrorist Org.

Use of Subcontractors

Ohio Presence Demonstration

**Tab 2** Vendor Experience & Qualifications

**Sub-Tab 2a.** Mandatory Vendor Qualifications (Section 2.1, A. through B.)

**Sub-Tab 2b.** Organizational Experience & Capabilities (Section 2.2, A. through C.)

**Sub-Tab 2c.** Staff Experience and Capabilities (Section 2.3, A. through C.)

**Tab 3** Scope of Work and Specifications of Deliverables (Section 3.1, A. through C.)

**Sub-Tab 3a.** Deliverable A

**Sub-Tab 3b.** Deliverable B

**Sub-Tab 3c.** Deliverable C

**Tab 4** Administrative Structures—Proposed Work Plan (Section 3.2, A. through E.)

**Tab 5** Vendor Attachments or Appendices (if applicable)

All pages in the Technical Proposal must be sequentially numbered, with the exception of Tab 1 contents.

**NOTE:** Vendors are required to submit **one additional CD-ROM copy** (using TWO CD-ROMs) of their entire proposal package in non-rewriteable CD format. One CD-ROM is to contain the complete Technical Proposal, including any required or voluntary attachments to it, and the other CD-ROM is to contain the Cost Proposal including any required or voluntary attachments to it. One document may, at vendor option, be excepted from the electronic technical proposal version: the “Request for Taxpayer Identification Number (W-9) Form” (**provided as RFP Attachment B.**), which is to be signed by the vendor and submitted with the paper copies of the technical proposal. **The CD-ROM containing the Cost Form must be submitted in the sealed envelope containing the hardcopy Cost Form.**

## **B. Technical Proposal Details**

The vendor’s Technical Proposal must contain the following components, at minimum. It is mandatory that vendor proposals be organized in the following order, and that wherever appropriate, sections/portions of the vendor proposal make reference by section number/letter to those RFP requirements to which they correspond.

**IMPORTANT:** Any vendor Technical Proposals found to contain any prohibited cost information shall be disqualified from consideration. Prohibited cost information is defined as any dollar amounts which ODJFS might find indicative of the relative cost or economy of the proposed project. However, information on the assets, value, or historical business volume of the vendor is NOT considered to be such prohibited cost information, and MAY be included in any vendor’s technical proposal. Any prohibited cost information must be submitted with the separate, sealed project budget/Cost Proposal. The Technical Proposal is defined as any part of the vendor’s proposal (either as required by ODJFS or sent at vendor’s discretion, such as work plan, resumes, letters of recommendation, letters of cooperation from any subcontractors, etc.) which is not specifically identified by ODJFS as a required component of the separate, sealed project budget/Cost Proposal. Should a vendor feel it is important to include any documents containing such prohibited cost information in the technical proposal, the cost information in those documents must be made unreadable by the vendor before submission of the proposal to ODJFS.

1. **(Tab 1)**  
**Required Vendor Information & Certifications**  
**Request for Taxpayer Identification Number (W-9) Form**  
**Declaration Regarding Material Assistance / Non-Assistance to a Terrorist Organization**  
**Use of Subcontractors**  
**Ohio Presence Demonstration**

In this section, the vendor is required to provide required information and certifications of eligibility for state contract awards, as described in **Attachment A.** to this RFP, entitled “Required Vendor Information & Certifications Document.” Vendors may, at their

discretion, either print **Attachment A.**, complete and sign it (in blue ink), and return it as the content of their Proposal Tab 1; or they may provide all the required information and certifications (each fully re-stated from **Attachment A.**) on their own letterhead, properly signed (in blue ink), and use that document as the content of their Proposal Tab 1. Vendors who fail to provide all information and certifications as described in **Attachment A.** in their Proposal Tab 1 risk disqualification.

The vendor must attach the **Request for Taxpayer Identification Number (W-9) Form**, which is provided as **Attachment B.** to this RFP, completed with an original signature in blue ink.

Vendors are required to provide a declaration regarding material assistance to a terrorist organization or an organization that supports terrorism as identified by the U.S. Department of State Terrorist Exclusion List and described in **Attachment C, Declaration Regarding Material Assistance/Non-Assistance to a Terrorist Organization.** Vendors MUST print **Attachment C.**, complete and sign it (in blue ink), and return it as the content of their Proposal Tab 1. Vendors who fail to provide a signed and completed **Attachment C.** risk disqualification. This form may also be accessed and printed at the Ohio Department of Public Safety, Division of Homeland Security's Website at <http://www.homelandsecurity.ohio.gov>.

The signed originals of the above referenced forms (**RFP Attachments A., B., and C.**) are to be provided in the vendor's original proposal; photocopies of the completed and signed forms must also be provided with each of the required copies.

In the event that the vendor proposes the use of any subcontractors, information on the subcontractor(s) and letters of commitment as required by Section 4.8, Minority Business Enterprise or 4.9, Subcontractor Identification and Participation Information should also be provided in Tab 1.

In order to be acknowledged as a vendor with an Ohio presence (as described in RFP Section 4.24, Ohio Presence Consideration) for additional scoring consideration, the vendor must demonstrate in this Tab1 section of its proposal either that it currently has a physical presence in Ohio or has concrete plans for establishing a physical presence. Information to be presented includes the actual or proposed location of the vendor's presence, a description of the work to be performed at that location, and the number of its personnel to operate from the Ohio location. If the Ohio location is planned but not yet operational, an estimated implementation schedule should be provided.

## **2. (Tab 2) Vendor Experience & Qualifications**

### **a. Mandatory Vendor Qualifications (Sub-Tab 2 a.)**

The vendor must include information on the mandatory experience of the vendor, as described in **Section 2.1**, of this RFP.

### **b. Organizational Experience and Capabilities (Sub-Tab 2 b.)**

The vendor should include information on the relevant experience of the vendor including any subcontractors; and any prior experience relevant to this RFP, as described in **Section 2.2**, of this RFP.

c. **Staff Experience and Capabilities (Sub-Tab 2 c.)**

Under this section the vendor is required to include resumes, education, experience, and list of related published works of all key personnel for this project, and describe any appropriate supplemental and support staff (including any subcontractors) to be involved, as described in **Section 2.3**, of this RFP.

**3. (Tab 3) Scope of Work and Specifications of Deliverables**

This section should describe in detail how the vendor proposes to perform each tasks of the scope of work identified in Section 3.1, Scope of Work and Specifications of Deliverables A through C, of this RFP. The responses must address each element separately.

**4. (Tab 4) Administrative Structures—Proposed Work Plan**

This section should describe in detail (in the order as outlined) the vendor's administrative structures as specified in Section 3.2, Administrative Structures—Proposed Work Plan (A through E) of this RFP.

**5. (Tab 5) Vendor Attachments or Appendices**

This section should include excerpts/samples of work products voluntarily included by the vendor but not required in the RFP.

**C. Cost Proposal**

**Three** (one signed original and two copies) copies of the Cost Proposal must be submitted in a separate, sealed envelope, and labeled: **“NOTE: DO NOT OPEN. COST PROPOSAL ENCLOSED FOR PHARMACY DRUG DISPENSING FEE SURVEY SERVICES, RFP#: R-89-07-0943 SUBMITTED BY [VENDOR’S NAME HERE]”** and containing the required respective Cost Proposal CD-ROM. The above Technical Proposal must not contain costs information, or the entire proposal will be disqualified from further consideration. The Cost Proposal must include a statement that the prices quoted are firm.

The Cost Proposal must display the total, all-inclusive cost for each of the deliverables, Items A through C. The sum total of the vendor's costs for Deliverables A through C (as specified in Section 3.1, Scope of Work and Specifications of Deliverables) will be the maximum total cost for the project. All costs, including staff time and other administrative costs, that the selected vendor will incur must be included in the Cost Proposal, and rolled into the costs of one or more deliverables, as appropriate. Vendor cost proposals shall be structured as follows:

DELIVERABLES		\$ COST AMT.
A. Survey Development		
B. Distribution of Survey		
C. Analysis and Reporting		
TOTAL:		\$

The selected vendor will invoice ODJFS following satisfactory completion of each of the contract deliverable(s) completed at the conclusion of each project phase as specified in Section 1.9 of this RFP. ODJFS may, at its discretion, negotiate with the selected vendor for a payment schedule which permits reasonable partial payments (e.g., monthly percentages) against the per-deliverable maximum price.

**This sum total of all of the vendor's proposed deliverable costs will be the vendor's cost grand total used in Phase III of the Proposal Evaluation and Selection process, described below in Section VI.**

**D. IMPORTANT – VENDOR DISQUALIFIERS FOR PROPOSAL ERRORS:**

- Any vendor's Technical Proposal found to contain any cost information shall be disqualified from consideration. Cost information is defined as any dollar amounts which might be deemed to be indicative of the relative cost or economy of the proposed project. Information on the assets, value, or historical business volume of the vendor is NOT considered to be such prohibited cost information, and MAY be included in any vendor's technical proposal as information on business capacity and stability. All prohibited cost information must be submitted with the separate, sealed Cost Proposal. The Technical Proposal is defined as any part of the vendor's proposal (either as required by ODJFS or sent at vendor's discretion), such as work plan, resumes, letters of recommendation, letters of cooperation from any subcontractors, etc., which is not specifically identified by ODJFS as a required component of the separate, sealed Cost Proposal. Should a vendor determine to include in the technical proposal any documents which contain such cost information, the cost information in those documents must be made unreadable by the vendor before submission of the proposal to ODJFS. Failure to follow these instructions will result in disqualification.
- Any trade secret, proprietary, or confidential information (as defined in Section 4.5 of this RFP) found anywhere in a vendor's proposal shall result in immediate disqualification of that vendor's proposal.

**SECTION VI. CRITERIA FOR PROPOSAL EVALUATION & SELECTION**

**6.1 Scoring of Proposals**

ODJFS will contract with a vendor that best demonstrates the ability to meet requirements as specified in this RFP. Vendors submitting a response will be evaluated based on the capacity and experience demonstrated in their Technical and Cost Proposal. All proposals will be reviewed and scored by a Proposal Review Team (PRT), comprised of staff from ODJFS Office of Ohio Health Plans. Vendors should not assume that the review members are familiar with their current work activities with ODJFS. Proposals containing assumptions, lack of sufficient detail, poor organization, lack of proofreading and unnecessary self-promotional claims will be evaluated accordingly. PRT members will be required to sign disclosure forms to establish that they have no personal or financial interest in the outcome of the proposal review and contractor selection process. Final

selection of the vendor will be based upon the criteria specified in Sections II., III., and IV. of this RFP. The PRT reserves the right to reject any and all proposals, in whole or in part, received in response to this request. The review team may waive minor defects that are not material when no prejudice will result to the rights of any vendor or to the public. In scoring the proposals, ODJFS will score in three phases:

**A. Phase I. Review—Initial Qualifying Criteria:**

In order to be fully reviewed and scored, proposals submitted must pass the following Phase I. Review. **Any “no” for the listed Phase I. criteria will eliminate a proposal from further consideration.**

1. Was the proposal received by the deadline as specified in Sections 1.5 and 5.1?
2. Did the vendor submit a proposal comprised of a Technical Proposal and, in a separate, appropriately labeled, sealed envelope, a Cost Proposal?
3. Does the vendor’s proposal include all required affirmative statements and certifications, signed by the vendor’s responsible representative, as described in **Attachment A** to the RFP?
4. According to those certifications, does the vendor affirmatively indicate that it is not on the federal debarment list; that there are no unfair labor findings against it; and it is not in violation of R.C. section 9.24, and therefore may enter into a contract with ODJFS?
5. Does ODJFS’ review of the Auditor of State website verify that the vendor is not excluded from contracting with ODJFS by R.C. section 9.24 for an unresolved finding for recovery (*i.e.*, the proposal of any vendor whose name appears on the Auditor’s website as having an unresolved finding for recovery will be eliminated from further consideration.)?
6. Did the review team (in its initial/cursory review of the vendor’s proposal) determine that the proposal was free of trade secret/proprietary information as specified/restricted in the RFP?
7. Does the vendor possess at least five (5) years of adequate prior experience in performing survey development, analysis and reporting?
8. Has the vendor adequately demonstrated the ability to establish the validity of the response rate by being able to calculate statistical standards such as mean, standard deviation, standard error, median, and confidence level?

**B. Phase II. Review—Criteria for Scoring the Technical Proposal:**

The PRT will then score those qualifying technical proposals, not eliminated in Phase I. Review, by assessing how well the vendor meets the requirements as specified in Sections II, III, IV of this RFP. Using the score sheet for Phase II scoring (see **Attachment E** of this RFP for specific evaluation criteria), the PRT will read, review, discuss and reach consensus on the final technical score for each qualifying technical proposal.

A maximum of **289** points will be awarded for the Technical Proposal. A technical proposal must achieve a total of at least **223** points (a score which represents that the vendor can successfully perform the resulting contractual duties) out of the possible **289** points to qualify for continued consideration. Any proposal which does not meet the minimum required technical proposal points will be disqualified from any further consideration and its cost proposal will neither be opened nor considered.

All Phase II technical proposal evaluation criteria will be scored according to the following scale, based on a proposed plan's ability to meet ODJFS needs. The Technical Proposal Score Sheet (see **Attachment E**) uses the following point values for rating each requirement.

0	6	8	10
Does Not Meet Requirement	Partially Meets	Meets Requirement	Exceeds Requirement

Technical Performance Scoring Definitions:

**“Does Not Meet Requirement”**-a particular RFP requirement was not addressed in the vendor's proposal, **Score: 0**

**“Partially Meets Requirement”**-vendor proposal demonstrates some attempt at meeting a particular RFP requirement, but that attempt falls below acceptable level, **Score: 6**

**“Meets Requirement”**-Vendor proposal fulfills a particular RFP requirement in all material respects, potentially with only minor, non-substantial deviation, **Score: 8**

**“Exceeds Requirement”**-Vendor proposal fulfills a particular RFP requirement in all material respects, and offers some additional level of quality in excess of ODJFS expectations, **Score: 10**

**IMPORTANT:** Before submitting a proposal to ODJFS in response to this RFP, vendors are strongly encouraged to use the Technical Proposal Score Sheet (**Attachment E**) and the above technical performance scoring information to review their proposals for completeness, compliance and quality.

All the remaining qualified Technical Proposals will proceed to the next level of review, which is consideration of the Cost Proposal. Any other proposals will be disqualified from further consideration, and the corresponding Cost Proposals will neither be opened nor will be scored.

After establishing which vendor proposals are technically qualified (those proposals which have achieved at least **223 points**) to advance to Phase III for consideration of their corresponding cost proposals, ODJFS will add **10 points** to the proposals of those vendors which have also demonstrated an Ohio presence as described in Sections 4.24 and 5.2 of this RFP. For those technically qualified vendors with an Ohio presence, their final technical score will be the sum of the score they earned according to the Phase II review described above plus the additional **10 points** (max. **299 pts.** for Grand Total). That sum will be used for those vendors in Phase III, as described below.

**C. Phase III.—Criteria for Considering the Cost Proposal**

The Cost Proposal will be reviewed by ODJFS. The grand total of each vendor's Cost Proposal is divided by that vendor's final Technical Proposal score. This compares the cost with the quality of the Technical Proposal, which will provide an average cost-per-quality point earned on the Technical Proposal.

If the cost proposals of all technically qualifying vendors (as determined by the scoring process described in this section and by the Technical Proposal Score Sheet, **Attachment E** to this RFP) are in excess of the available funding for this project, ODJFS may, at its sole discretion, negotiate with all technically qualifying vendors for a revised cost proposal. Vendors may then submit one last and best offer, or may request that ODJFS view its original cost proposal as its last and best offer, or may formally withdraw from further consideration, and shall formally indicate its choice according to directions provided by ODJFS at that time. Upon receipt of all last and best offers, and assuming that one or more have submitted a cost proposal that is within project budget, ODJFS will then consider those vendors' revised cost proposals which are within the budget according to the cost-point assignment process described in this section, above, and in the Technical Proposal Score Sheet, **Attachment E**, for calculation of the winning score. ODJFS reserves the right to negotiate with vendors for adjustments to their proposals should ODJFS determine, for any reason, to adjust the scope of the project for which this RFP is released.

**6.2 Review Process Caveats**

ODJFS may, at its sole discretion, waive minor errors or omissions in vendors' Technical and/or Cost proposals/forms when those errors do not unreasonably obscure the meaning of the content.

ODJFS reserves the right to request clarifications from vendors to any information in their Technical and/or Cost proposals/forms, and may request such clarification as it deems necessary at any point in the proposal review process. Any such requests for proposal clarification when initiated by ODJFS, and vendors' verbal or written response to those requests, shall not be considered a violation of the communication prohibitions contained in Section 1.8 of this RFP. Such communications are expressly permitted when initiated by ODJFS, but are at the sole discretion of ODJFS.

Should ODJFS determine a need for interviewing vendors prior to making a final selection, results to interview questions shall be scored in a manner similar to the process described in Section 6.1, Scoring of Proposals, above. Such scored results may be either added to those vendors' proposal scores, or will replace certain criteria scores, at the discretion of ODJFS. The standards for scoring the interviews and the method used for considering the results of the interviews shall be applied consistently for all vendors participating in the interview process for that RFP.

ODJFS reserves the right to negotiate with vendors for adjustments to their proposals should ODJFS determine, for any reason, to adjust the scope of the project for which this RFP is released. Such communications are not violations of any communications prohibition, and are expressly permitted when initiated by ODJFS, but are at the sole discretion of ODJFS.

Any vendor deemed not responsible, or any submitting a proposal deemed not to be responsive to the terms of this RFP, shall not be awarded the contract.

### **6.3 Final Vendor Recommendation**

The PRT will recommend to the Director of ODJFS the technically qualified vendor offering the proposal most advantageous to ODJFS, as determined by the processes and requirements established in this RFP.

### **6.4 Tie Breaker**

In the event that two or more of the proposals have a score which is tied after final calculation of both the technical proposal and the cost proposal, the proposal with the higher score in the technical proposal will prevail.

## **SECTION VII. PROTEST PROCEDURE**

### **7.1 Protests**

Any potential, or actual, vendor objecting to the award of a contract resulting from the issuance of this RFP may file a protest of the award of the contract, or any other matter relating to the process of soliciting the proposals. Such a protest must comply with the following guidelines:

- A. A protest may be filed by a prospective or actual bidder objecting to the award of a contract resulting from this RFP. The protest shall be in writing and shall contain the following information:
  1. The name, address, and telephone number of the protestor;
  2. The name and number of the RFP being protested;
  3. A detailed statement of the legal and factual grounds for the protest, including copies of any relevant documents;
  4. A request for a ruling by ODJFS;
  5. A statement as to the form of relief requested from ODJFS; and,
  6. Any other information the protestor believes to be essential to the determination of the factual and legal questions at issue in the written protest.
  
- B. A timely protest shall be considered by ODJFS, if it is received by ODJFS' Office of Legal Services, within the following periods:
  1. A protest based on alleged improprieties in the issuance of the RFP or any other event preceding the closing date for receipt of proposals which are apparent or should be apparent prior to the closing date for receipt of proposals shall be filed no later than 3:00 p.m. the closing date for receipt of proposals, as specified in Section 1.6, Anticipated Procurement Time Table, of this RFP.
  2. If the protest relates to the announced intent to award a contract, the protest shall be filed no later than 3:00 p.m. of the eighth (8th) calendar day after the issuance of the Letter of Intent to Award the contract.

- C. An untimely protest may be considered by ODJFS if ODJFS determines that the protest raises issues significant to the department's procurement system. An untimely protest is one received by ODJFS' Office of Legal Services after the time periods set forth in Item B. of this section.
- D. All protests must be filed at the following location:
- Chief Legal Counsel  
ODJFS Office of Legal Services  
30 East Broad Street, 31st Floor  
Columbus, Ohio 43215-0423
- E. When a timely protest is filed, a contract award shall not proceed until a decision on the protest is issued or the matter is otherwise resolved, unless the Director of ODJFS determines that a delay will severely disadvantage the Department. The vendor(s) who would have been awarded the contract shall be notified of the receipt of the protest.
- F. ODJFS' Office of Legal Services shall issue written decisions on all timely protests and shall notify any vendor who filed an untimely protest as to whether or not the protest will be considered.

## 7.2 Caveats

**ODJFS is under no obligation to issue a contract as a result of this solicitation if, in the opinion of ODJFS and the proposal review team, none of the proposals are responsive to the objectives and needs of the Department. ODJFS reserves the right to not select any vendor should ODJFS decide not to proceed. Changes in this RFP of a material nature will be provided via the agency website. All vendors are responsible for obtaining any such changes without further notice by ODJFS.**

## SECTION VIII. ATTACHMENTS AND THEIR USES

- A. **Required Vendor Information and Certifications** (*To be completed & included in proposal packet as specified in Sec. 5.2, B., 1.*)
- B. **Request for Taxpayer Identification Number (W-9) Form** (*To be completed & included in proposal packet as specified in Sec. 5.2, B., 1.*)
- C. **Declaration of Material Assistance Form** (*To be completed & included in proposal packet as specified in Sec. 5.2, B., 1.*)
- D. **ODJFS Model Contract** (*For vendor reference purposes*)
- E. **Technical Proposal Score Sheet** (*For vendor self-evaluation purposes...do not submit*)

Thank you for your interest in this project.